



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

75

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/885,698	06/30/97	GORDON	S 1647/47358

LM02/0605

BRIAN L MICHAELIS
BROWN RUDNICK FREED & GESMER PC
ONE FINANCIAL CENTER
BOSTON MA 02111

EXAMINER

NGUYEN, S

ART UNIT	PAPER NUMBER
2731	11

DATE MAILED: 06/05/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/885,698

Applicant(s)

Gordon

Examiner

Steven Nguyen

Group Art Unit

2731



☒ Responsive to communication(s) filed on Mar 30, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1, 4-10, and 12-23 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 4-10, and 12-23 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2731

DETAILED ACTION

Response to Amendment

1. This action is in response to an Amendment C which filed on 3/30/2000 entered into the record. The claim 2-3 and 11 have been canceled and claims 1, 4-10 and 12-23 are pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 8 and 19-23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 8, the recitation “converting said transmission signal into an analog audio output signal; processing said analog audio output signal into packets”.

Art Unit: 2731

In the specification, the converter only convert telephone network transmission signal to an audio output signal for input to interface PC (Page 7, line 13-14) and converting telephone audio signal to telephone audio signal for input to the soundcard (Page 8, lines 6-10).

Claim 19, lines 6-8, 10 and 13, The recitation “encoded audio data packets”.

5. Claims 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19, lines 3, the recitation “an electrical audio signal” is vague and indefinite because it’s unclear what is referred in the specification. Please clarify; so the meter and boundary of the claim can be determined. Furthermore, in the specification, the converter only convert telephone network transmission signal to an audio output signal (Page 7, line 13-14) and converting telephone audio signal to telephone audio signal (Page 8, lines 6-10).

Claim 19, lines 4, the recitation “said telephone signal” is vague and indefinite because it does not refer to any previous elements.

Claim 19, the recitation “the monitor station” lacks antecedent basis because it does not disclose in the specification. Please clarify, so the meter and boundary of the claim can be determined.

Claim 19, lines 12, the recitation “said signal” is vague and indefinite because it’s unclear what is referred to the signals.

Art Unit: 2731

Claim 19, lines 15, the recitation "said second interface machine" is vague and indefinite because it does not refer to any previous elements.

Claim 20, lines 3, the recitation "said first interface machine" is vague and indefinite because it does not refer to any previous elements.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 5-6, 8, 10, 12-15, 17, 19-20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu (USP 5991292) in view of Huang (PCT WO 97/23078).

Art Unit: 2731

Regarding claims 1, 5-6, 8, 10, 12-15, 17, 19-20 and 23, Focsaneanu discloses an apparatus which allows the remote modem in pool (Ref 306 of Fig 9 which is a Line Interface which includes a converter, modem and splitter read on identifier) for receiving a telephone transmission signals and local system/monitor station (Ref 302 of Fig 9) to communicate with each other over WAN (Ref 304 of Fig 9); a converter electrically interconnected to a telephone interconnection of remote modem and splitting a portion of the telephone transmission signals therefrom providing an audio output signal (Fig 12, identifying and CODEC for splitting the telephone transmission signals and converting the telephone transmission signals into an audio signal). However, Focsaneanu fails to disclose an interface machine which includes a first sound processing mechanism for processing audio output signal for transmission over WAN as a network audio signal, receiving the audio output signal from the converter; (In Fig 3, a computer system in Fig 4, ref 4; the telephone signal should access the telephone line interface of the LEC "Ref 2,7" and convert "Ref 13 of Fig 3a" to an audio signal; then forwarding it to the Gateway "read on the interface machine" which includes a plurality of ASIC and DSP "Ref 23 and 22" to processing audio signals by using a first sound processing mechanism and transmitting it on the packet switched network "ref 5" by using packet network interface); a second sound processing mechanism configured at the local system for receiving the network audio signal and processing network audio signal to provide a continuous audio signal at local system/monitor system (Ref 4 of fig 4 is a multimedia computer therefore it is inherently included a second sound processing

Art Unit: 2731

mechanism to receiving a network audio signal from packet switched network and converting it to an audio stream which reads on monitor station and local system).

Since, Focsaneanu suggests that a telephone transmission signals can be packetized and transmitting over data network such as WAN, Internet. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the communication system of Haung which allows a computer to communicate with each other by interfacing gateway which includes a first sound mechanism into Focsaneanu's communication system for allowing a resident computer to communicate with a local computer via internet. The motivation would have been to reduce the long distance cost for the customers.

8. Claims 4, 7, 9, 16, 18 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haung and Focsaneanu as applied to claims 1 and 8 above, and further in view of Krishnaswamy (USP 5867494).

Regarding claims 4, 16, 18 and 21-22, Focsaneanu fails to disclose the claimed invention. However, in the same field of endeavor, Krishnaswamy discloses the second sound processing mechanism is a sound card running on a local system and configured to run an audio stream program (Fig 10A, 1050).

Since, a computer is configured an audio stream program being well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to install the audio stream program into a multimedia computer so that two

Art Unit: 2731

computer can communicate with each other via internet. The motivation would have been to reduce the long distance cost.

Regarding claims 7 and 9, Focsaneanu and Haung fails to disclose the claimed invention. However, in the same field of endeavor, Krishnaswamy discloses a remote communication mechanism is configured to communicate with automated systems to gather status information which is transmitted by transmission signals (Fig 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply Krishnaswamy's teaching such as integrating an automated system with a voice gateway. The suggestion/motivation would have been to reduce a long distance charge.

Response to Arguments

9. Applicant's arguments filed 3/30/2000 have been fully considered but they are not persuasive.

In page 8 of the response, the applicant states that Haung does not disclose any soundcard which is configured to run audio streaming program. In reply, It well known in the art any multimedia computer which uses for transmitting a real time voice via Internet must be configured to run an audio stream program such as Vocaltec (See Page 3, lines 16-23).

Art Unit: 2731

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gordon (USP 6067350) discloses a method and apparatus which includes a voice gateway for establishing a long distance call between the users by using a computer, telephone.

Anderson (USP 6064673) discloses a communication system for allowing the users to communicate via WAN.

Turick (WO 9716916) discloses a method and apparatus for reducing a long distance telephone call by using telephone and computer.

Strauss (USP 5940598) discloses an access server which allows a computer or telephone to access the server for communicating via Internet.

Walsh (USP 5912888) disclose a method and apparatus for communicating between the computers.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Art Unit: 2731

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on Monday through Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378.

The fax phone number for this group is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

STEVEN H. D. NGUYEN
Art Unit: 2731
May 30, 2000


CHI H. PHAM
SUPERVISORY PATENT EXAMINER
GROUP 2700 6/1/00